

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

PATRICK K. MCDONNELL,
and CABBAGETECH, CORP. d/b/a COIN
DROP MARKETS,

Defendants.

Case No. 18-CV-0361 (JBW) (RLM)

ECF Case

**DECLARATION OF CHRISTOPHER GIGILO PURSUANT TO 28 U.S.C. § 1746
IN SUPPORT OF APPLICATION FOR CLERK'S CERTIFICATE OF DEFAULT
AS TO DEFENDANT PATRICK K. MCDONNELL**

I, Christopher Giglio, hereby declare as follows:

1. I am employed as a Futures Trading Investigator by the Division of Enforcement ("Division") of the Commodity Futures Trading Commission ("CFTC" or the "Commission"), located at 140 Broadway, 19th Floor, New York, NY 10005.

2. I submit this declaration in support of the Commission's application to the Clerk of the Court for a certificate of default against Defendant Patrick K. McDonnell ("McDonnell"), pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55.1.

3. McDonnell, the party against whom the certificate of default is sought, is at least eighteen years-old and is not an infant or an incompetent person. I performed a search, using McDonnell's name and social security number, on the Official Department of Defense Service

Members Civil Relief Act (SCRA) website and received certification that he is not serving on active duty in the military.

4. The Complaint was filed on January 18, 2018. ECF No. 1. The Summons dated January 18, 2018, was entered on the docket the next day. ECF No. 3. The Summons and Complaint were served on McDonnell on January 22, 2018, and proof of service on McDonnell was filed via ECF on January 24, 2018. ECF No. 7.

5. By motion dated February 14, 2018, McDonnell moved to dismiss the Complaint. ECF No. 18. McDonnell's motion to dismiss was denied by Order of the Court dated March 6, 2018. ECF No. 29.

6. On March 7, 2018, Chief Magistrate Judge Mann so-ordered the Proposed Scheduling Order that had been proposed the previous day (the "March 7 Scheduling Order"). ECF Nos. 30, 31.

7. The March 7 Scheduling Order provided that "Defendant McDonnell shall file and serve his answer by Friday, March 16, 2018." ECF No. 31.


8. I have checked all PACER entries for this matter, and McDonnell has not filed an answer with respect to the Complaint, as required by the March 7 Scheduling Order.

9. I have reviewed our files, and McDonnell also has not served his answer on the Commission.

10. I declare under penalty of perjury that the forgoing is true and correct.

* * *

Dated: New York, New York
April 3, 2018



CHRISTOPHER GIGLIO